

1 MORGAN, LEWIS & BOCKIUS LLP
JOHN S. BATTENFELD, SBN 119513
2 JILL A. PORCARO, SBN 190412
300 South Grand Avenue
3 Twenty-Second Floor
Los Angeles, CA 90071-3132
4 Tel: 213.612.2500
Fax: 213.612.2501
5 email: jbattenfeld@morganlewis.com
email: jporcaro@morganlewis.com

6 MORGAN, LEWIS & BOCKIUS LLP
7 JENNIFER WHITE-SPERLING, SBN 166504
5 Park Plaza, Suite 1750
8 Irvine, CA 92614
Tel: 949.399.7000
9 Fax: 949.399.7001
email: jwhite-sperling@morganlewis.com

10 Attorneys for Defendants New York Life Insurance
11 Company and New York Life Insurance and
12 Annuity Corporation

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 OLGA ORTMANN, as an individual
16 and on behalf of all others similarly
situated,

17 Plaintiff,

18 v.

19 NEW YORK LIFE INSURANCE
20 COMPANY, a corporation; NEW
YORK LIFE INSURANCE AND
21 ANNUITY CORPORATION, a
corporation; and DOES 1 through 20,
22 inclusive,

23 Defendants.

Case No. 3:07-CV-02506-WHA

**[PROPOSED] ORDER GRANTING
DEFENDANTS' NEW YORK LIFE
INSURANCE COMPANY AND NEW
YORK LIFE INSURANCE AND
ANNUITY CORPORATION'S
MOTION FOR TO DISMISS THE
EIGHTH, NINTH, TENTH, AND
ELEVENTH CAUSES OF ACTION
IN PLAINTIFF'S COMPLAINT**

Judge: Hon. William Alsup
Date: July 5, 2007
Time: 8:00 a.m.
Courtroom: 9, 19th Floor

1 On _____, Defendants New York Life Insurance Company and New York
2 Life Insurance and Annuity Corporation's ("Defendants") Motion to Dismiss the
3 Eighth, Ninth, Tenth, and Eleventh Causes of Action in Plaintiff's Complaint came
4 on for regularly scheduled hearing in Courtroom 9, the Honorable William Alsup
5 presiding. _____ appeared for Defendants and _____
6 appeared for Plaintiff. Upon consideration of the pleadings, papers, and arguments
7 of counsel, and with good cause shown, it is hereby **ORDERED AND**
8 **ADJUDGED THAT:**

9 Defendants' Motion is **GRANTED and;**
10 Plaintiff's Eighth, Ninth, Tenth, and Eleventh Causes of Action are
11 dismissed, with prejudice.

12 **IT IS SO ORDERED.**

13
14
15 Dated:

By: _____
United States District Court Judge

16
17
18 RESPECTFULLY SUBMITTED BY:

19 JILL A. PORCARO, SBN 190412
20 MORGAN, LEWIS & BOCKIUS LLP
21 300 South Grand Avenue, Twenty-Second Floor
22 Los Angeles, CA 90071-3132
23 email: jporcaro@morganlewis.com
24
25
26
27
28